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AF/1745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of	)	
	)	
Tsunemori YOSHIDA	)	Art Unit: 1745
	)	
Appln. No. : 09/660,394	)	Ex: L. Weiner
	)	
Filed : September 12, 2000	)	
	)	
For : SEPARATOR FOR A FUEL CELL AND A METHOD OF PRODUCING THE SAME	)	***BOX AF***

REQUEST FOR RECONSIDERATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2213-1450

Sir:

In the Office Action of June 22, 2003, the examiner finally rejects claims 1 - 4, 8 - 10 and 13 - 15 as follows: claims 1, 2, 8, 9 and 13 - 15 under 35 USC 102(e) as anticipated by Braun et al, claims 1 and 2 under 35 USC 103(a) as unpatentable over Braun et al, claims 3, 4 and 10 under 35 USC 103(a) as unpatentable over Braun et al in view of Uemura et al, and claims 1, 3, 4, 8 and 10 under the judicially created doctrine of obviousness double-patenting over claims 7 and 8 of copending application No. 09/660,291.

In applying Braun et al the examiner states that "Braun et al ....teaches that the composition is formed into a composite having a desired geometry by compression molding.....[where] the graphite and polymer powders are blended together and compressed using a pressure of 5 - 100 $(10)^6$ N/m^2, and put under a pressure of 1 - 15 $(10)^6$ N/m^2 .....then the pressure was increased to 5 - 75 $(10)^6$ N/m^2..." From this disclosure the examiner concludes that

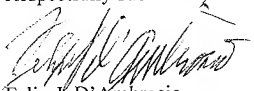
the preform is subjected to a pressure which is lower than the final pressure because of the 1 - 15 $(10)^6$ N/m^2 pressure disclosure. But as noted in the prior response, this pressure serves for degassing ***not for compressing the preform***. The examiner has assumed that this pressure in fact compresses the preform, but Braun et al does ***not*** indicate such a result. Note col. 5, lines 59 - 66 of Braun et al. which includes the following statement "..[t]he mold platens are brought together at a clamping pressure about 1 - 15 $(10)^6$ N/m^2 and trapped gas within the mold is removed..." This result can be achieved without compressing the preform, and we must assume that that in fact is what happens unless Braun et al tells us differently, which they do not.

Because of this assumption, which is not corroborated by any disclosure in Braun et al, or anything that applicant can find in Uemura et al, the three art rejections cannot stand.

The double patenting rejection also cannot stand because the structure claimed here is different from that claimed in the copending application.

The examiner is urged to reconsider her final rejections and advance a finding that claims 1 - 4, 8 - 10 and 13 - 15 are allowed.

Respectfully submitted,



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November 24, 2003

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